

TOWN OF MOSEL

ORDINANCE NO. 2020-04

AN ORDINANCE CREATING SECTION 4.12 OF CHAPTER 4: BROADBAND FORWARD! COMMUNITY ORDINANCE OF THE TOWN OF MOSEL MUNICIPAL CODE

Whereas the Mosel Town Board has determined that Broadband access is increasingly important to our economy, education, and daily life. The state as a whole – citizens, governments, providers, schools, and businesses – have an interest in expanding broadband access and usage in underserved areas of the state. The Public Service Commission of Wisconsin has been authorized to certify communities as being “broadband ready” by issuing a Broadband Forward! Certification that signals a local unit of government has taken steps to reduce obstacles to broadband infrastructure investment.

Whereas §. 196.504(4) a city, village town or county may apply to the Commission for certification as a Broadband Forward! Community; and **whereas** a copy of the proposed Chapter 4.12 has been on file for public inspection in the office of the Town Clerk-Treasurer for a least two weeks before its enactment as required by law; **Now, therefore, pursuant to §. 66.0815(1), Wisconsin Statutes, the Town Board of the Town of Mosel, Sheboygan County, does ordain as follows:**

SECTION 1. Creating Code. Section 4.12 relating to the approval of broadband network projects, the Town of Mosel Municipal Code is hereby created to read as follows:

ORDINANCE NO. 4.12 BROADBAND FORWARD! COMMUNITY ORDINANCE

Chapter 4.12 Broadband Network Project Applications

SECTION 1. GENERAL PROVISIONS.

1.1 Purpose and policy. The purpose of this chapter is to encourage the development of broadband access in the Town of Mosel by reducing administrative obstacles to broadband service providers and coordinating the review of applications to ensure such applications are timely processed. This chapter shall at all times be construed consistent with the aforesaid purpose.

1.2 Definitions. In this chapter:

- (1) “Applicant” means a person applying for a permit for a broadband network project.
- (2) “Broadband network project” means the construction or deployment of wireline or wireless communications facilities to provide broadband communications services in the Town of Mosel.
- (3) “Permit” means any local permit, license, certificate, approval, registration, or similar

form of approval required by policy, administrative rule, regulation, ordinance, or resolution with respect to a broadband network project.

(4) “Written” or “in writing” means information that is inscribed on a tangible medium or that is stored in an electronic or other intangible medium and is retrievable in perceivable form.

1.3 Point of contact. The Town of Mosel shall appoint a single point of contact for all matters related to a broadband network project. The Town of Mosel shall provide on its public website the contact information, including the e-mail address, for the point of contact authorized to receive a broadband network project application.

SECTION 2. ELECTRONIC SUBMISSION OF APPLICATIONS. An applicant may sign and file all forms, applications, and documentation related to a broadband network project electronically.

SECTION 3. REVIEW OF APPLICATIONS. Notwithstanding any other provision in the Town of Mosel ordinances, resolutions, regulations, policies or practices to the contrary, the following process shall apply exclusively upon receiving a broadband network project application:

3.1 Completeness review. Upon receiving a broadband network project application, the Town of Mosel shall:

(1) Determine whether an application is complete and notify the applicant of the determination by the Town of Mosel in writing within 10 calendar days of receiving an application. If the Town of Mosel does not notify the applicant in writing of its completeness determination within 10 calendar days of receiving the application, the application shall be considered complete.

(2) If the Town of Mosel determines that an application is not complete, the written notification to the applicant shall specify in detail the required information that is not complete. The applicant may resubmit an application as often as necessary until the application is complete.

3.2 Approval or denial of complete applications.

(1) Within 60 calendar days of receiving an application that is complete, or considered complete under sub. (1), Town of Mosel Town Board shall approve or deny the application and provide the applicant written notification of the approval or denial. If the Town of Mosel Town Board does not notify the applicant of its approval or denial within 60 calendar days of receiving a complete application, the application shall be considered approved and any required permit shall be considered issued.

(2) If the Town of Mosel denies an application, the written notification of the denial under sub. (1) shall include evidence that the denial is not arbitrary and capricious.

SECTION 4. FEES. Any fee imposed by the Town of Mosel to review an application, issue a permit, or perform any other activity related to a broadband network project shall be \$50 and listed within the then current Town of Mosel user fee listing.

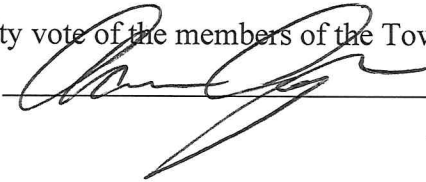
SECTION 5. INITIAL APPLICABILITY. The treatment of this ordinance first applies to applications received by the Town of Mosel on or after the effective date of this ordinance.

SECTION 6. EFFECTIVE DATE. This ordinance takes effect on the day after publication.

SECTION 7. Amending Code Section. Section 11.05 FEES AND CHARGES of the Municipal code of the Town of Mosel is amended upon passage of ORDINANCE 4.12 BROADBAND FORWARD! COMMUNITY and associated permit fee as follows:

BROADBAND PERMIT FEE: \$50.00

Adopted this 19 day of August, 2020, by a majority vote of the members of the Town Board of the Town of Mosel.

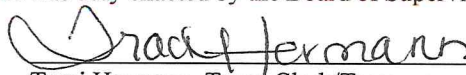


Aaron Anger
Town Chair

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Board of Supervisors of the Town of Mosel on the date indicated above.

Dated: August 19, 2020



Traci Hermann, Town Clerk/Treasurer

Posted on 8-24-20, 2020 by Traci Hermann